United Nations A/62/PV.97

# General Assembly
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*Official Records*

**97**th plenary meeting
Thursday, 15 May 2008, 10 a.m.
New York

*President*: Mr. Kerim ..... (The former Yugoslav Republic of Macedonia)

*In the absence of the President, Mr. Hannesson (Iceland), Vice-President, took the Chair.*

*The meeting was called to order at 10.20 a.m.*

**Cyclone in Myanmar and earthquake in China**

**The Acting President**: Before proceeding to the item on our agenda for this morning, I should like, on behalf of the General Assembly, to extend our condolences to the Government and the people of Myanmar and to the Government and the people of the People's Republic of China on the tragic loss of life and material damage that have resulted from the recent cyclone in Myanmar and the earthquake in China.

**Agenda item 132** (*continued*)

**Scale of assessments for the apportionment of the expenses of the United Nations (A/62/657/Add.7)**

**The Acting President**: Also before turning to the item on our agenda for this morning, I would like to invite the attention of the General Assembly to document A/62/657/Add.7, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communications contained in documents A/62/657 and addenda 1 to 6, Benin has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in that document?

*It was so decided.*

**Agenda item 16**

**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

**Draft resolution (A/62/L.45)**

**The Acting President**: I give the floor to the representative of Georgia to introduce draft resolution A/62/L.45.

**Mr. Alasania** (Georgia): Today, Georgia presents a draft resolution (A/62/L.45) that emphasizes the right, necessity and urgency of refugees and internally displaced persons (IDPs) from Abkhazia, Georgia, to return to their homes and places of original residence, despite the lack of positive developments in the political settlement process.

The need for this draft resolution is obvious. For more than 14 years, people who fled their homes have been denied the essential right to live in dignity and to not be subject to arbitrary exile. They have also been denied the right to own property and not to be deprived of it.

Today, more than 500,000 people of various ethnic backgrounds are suffering from the humanitarian disaster resulting from the conflict in Abkhazia, Georgia. The overwhelming majority have been subject to unbearable suffering and have been deprived of their fundamental human rights and freedoms. They have been forced to live in exile and

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have been denied access to their homes. Those who have stayed are exposed to the constant fear of insecurity and poverty. Clearly, the international community should be more attentive to their needs and their rights.

The introduction of this draft resolution to the General Assembly complements efforts by the Security Council in respect of a resolution of the conflict. The draft resolution is designed to reinforce an ongoing settlement process. Let me reiterate that Georgia considers this draft resolution to be yet another demonstration of its full commitment to the peaceful political settlement of the conflict.

This draft resolution specifically underlines the right of return of all IDPs and refugees, regardless of their ethnicity. It also acknowledges that the beauty, the charm and — most important — the strength of this incredible region lie in its multi-ethnic, multicultural composition, which was established during centuries of peaceful coexistence.

The draft resolution addresses the concerns of both sides in the conflict. Moreover, it guarantees the protection of the rights of the Abkhaz population of the region. It is imperative to clearly understand that the protection of the rights of all residents who continue to live in Abkhazia, Georgia, is of paramount value. It is more important now than ever before to once again affirm that the realization of the right of the IDPs and refugees to return to their homes in safety and dignity is at the top of the United Nations agenda.

History has taught us a bitter lesson of how inexperienced political leadership, wrongly channelled emotions and irresponsible decisions, backed by direct external military interference, have led to the tragedy of the complete ethnic cleansing of the Georgian population from Abkhazia, Georgia.

The scale and the brutality of the atrocities were incomprehensible. On 27 September 1993, almost all the civilian leadership of Abkhazia, including the head of the Government, Mr. Shartava, and the mayor of the city of Sukhumi, Mr. Gabiskiria, were captured and later executed at point-blank range by armed separatist insurgents. Both Georgians and Abkhaz paid the horrible price of more than 10,000 deaths and of hundreds of thousands of expelled innocent civilians. All of us who lived through that dreadful period have experienced profound remorse and remain deeply hurt by this reality.

Accordingly, the draft resolution recalls, inter alia, the reports of ethnic cleansing condemned by the Budapest, Lisbon and Istanbul summits of the Organization for Security and Cooperation in Europe, and it concludes that such acts imply a criminal intent and cannot be tolerated.

Although ethnic cleansing has been ruthlessly conducted against Georgians, other nationalities were also forced to flee the region. For more than 14 years after the end of the atrocities, people who fled their homes are still forced to live with this humanitarian disaster.

The suffering and anxiety being experienced today have been complicated by a growing sense of hopelessness. Sadly, there are already generations of children who have seen their home, Abkhazia, only on television or in pictures.

The human suffering experienced in Georgia during the conflict in 1992 and 1993 was significant, but it has not been sufficiently assessed and addressed by the broader international community. During the final days of the conflict in Abkhazia, hundreds of thousands of ethnic Georgians and people of other ethnicities fled the region in fear of reprisals. These internally displaced persons are settled throughout Georgia in temporary housing facilities that unfortunately have become permanent ones.

Since the end of the active phase of the conflict, in 1993, IDPs have continued to be primary victims of the conflict. Although my Government is doing everything humanly possible to ease the economic and social burden, IDPs remain among the most disadvantaged people in Georgia, almost totally dependent on the Government and on international assistance.

Allow me to draw the Assembly's attention to a 2006 report of the Secretary-General's Representative on the human rights of internally displaced persons:

> "The sustainable return of persons to ... Abkhazia [, Georgia,] is obstructed by administrative measures directed against returnees, by attacks and harassment, as well as by widespread impunity for perpetrators. Even if it has no international significance, the so-called Law of the Republic of Abkhazia ... discriminates against persons of non-Abkhaz origin and may thus create difficulties for returnees. ... Abkhaz

authorities have restricted the use of the Georgian language in schools, with detrimental effects on the provision of education."

Unfortunately, the state of affairs has not improved whatsoever since then; it is continuously deteriorating.

Here, I must stress that the proposed draft resolution would by no means impede the ongoing settlement process or its arrangements. The draft resolution focuses on the undisputed right of every individual to return to his or her home and to lead a safe, secure and dignified life. In fact, this draft resolution is designed to serve as a part of the ongoing process that we are considering in combination with other efforts as means for the full-scale political resolution of the conflict.

Unfortunately, some have illegally acquired private and public property on the territory of Georgia in Abkhazia, and that process is still continuing. The international community cannot abide these actions, for they are without any legal standing. These illegal actions should be condemned and dealt with accordingly.

The past 14 years have not contributed to the return process. Moreover, with every passing year, the situation has progressively deteriorated. Consequently, people who have waited hopelessly for results have been losing their faith in the United Nations. The General Assembly must hear their plea and show attention and concern regarding these refugees and internally displaced persons. We beseech members: the time has come to restore their lost trust. Simply put, these people have had enough of the suffering and anguish imposed upon them, and they deserve to return to their homes to lead a normal life, as they did before the conflict.

A house divided against itself cannot stand, and so unification has become the guiding principle of the Georgian Government. Stating its full cooperation with the United Nations and with the international community as a whole, Georgia, by challenging the status quo, is striving to create new ways to bring about a lasting resolution of the conflict in Abkhazia, Georgia. That is the desire and the expectation of our people.

Let me outline a number of peace initiatives recently proposed by the President of Georgia. Specifically, our proposals include the following: the introduction of a new constitutional position of Vice-President of Georgia for the Abkhaz side; guaranteed representation for Abkhazia in all bodies of the Georgian central authorities, including the parliament and ministries of Georgia; international guarantees ensuring broad federalism and unprecedented autonomy for Abkhazia; the right to veto any decision related to Abkhazia's constitutional status; the preservation and further development of the Abkhaz culture, language and ethnic identity; the establishment of a joint free economic zone; the provision of security guarantees; a gradual merger of law enforcement agencies and of customs services; and an invitation to the Russian Federation, along with the rest of the international community, to act as mediator in this process.

On 12 April this year, the President of Georgia articulated a series of complementary proposals: to create, within the ministries, thematic working groups on legal, economic and political issues; to revitalize direct political dialogue and contacts with the Abkhaz side and involve the latter in the working groups; to implement the package of confidence-building measures agreed with the European Union; and to come up with additional ideas and projects aimed at extending Georgian-Abkhaz contacts and cooperation. Those proposals have already been transmitted to the Abkhaz side, along with the suggestion that talks on their merits be started immediately. What is more, the President's proposals have been conveyed to the Georgian ministries so that they can be translated into practical actions, and Georgia's Ministry of Finance has already allocated funds for that purpose.

Let me elaborate on what we are doing to protect the human rights of the Abkhaz population as part of the ongoing peace process. I mentioned that the legal innovations will give the people of Abkhazia, Georgia, the maximum authority to govern their lives and will ensure the preservation of their own language, culture and traditions. Minorities frequently find majority rule to be extremely threatening; the assumed danger is that the majority will simply use its power to take away rights. That is why effective mechanisms for protecting minority rights are essential to the success of any effort to resolve a dispute by democratic means.

In Georgia, we are fully committed to developing mechanisms that will guarantee the following. Constitutional protections for Abkhaz rights will ensure respect for ethnic, cultural and religious

differences. That includes the right to be educated in one's mother tongue and to display appropriate symbols of cultural identity. Such mechanisms will involve constitutional protections for the rights of all citizens. As soon as the Abkhaz side accepts the basic principles of the recent proposals, we can move ahead in making the necessary changes to Georgian law. Parliamentary protections will provide the Abkhaz population with a high degree of autonomy in the decision-making process regarding cultural matters such as religious worship, education and language. Only with such a level of confidence will the Abkhaz people reconsider their demands for immediate independence and accept a union with the central Government in Tbilisi.

We believe that the General Assembly should reaffirm the right of all refugees and internally displaced persons to return safely to their homes, without preconditions and with adequate security guarantees. We also believe it is necessary that the United Nations, together with the Organization for Security and Cooperation in Europe, the European Union and the Group of Friends of the Secretary-General, establish a mechanism for initiating that process.

We can no longer accept the current situation; there are too many critical interests at stake. With that in mind, we are convinced that delegations will not find anything in this draft resolution that contradicts our shared principles and values, and that they will vote in favour of it.

The international community should finally come to the recognition that a peaceful resolution to this conflict would contribute to a more stable, unified democratic Georgia. That in turn would lead to peace and security throughout the broader region. We in Georgia will do our part to ensure success.

What is most important is that we be honest with ourselves. This conflict has solved no problems; in fact, its consequences, both immediate and long-term, have been negative and disastrous for all parties. It has been morally subversive for the international community and has been economically destructive and socially degrading for the affected internally displaced persons and for people throughout the region.

The conflict in Abkhazia illustrates that Georgia has become an outstanding historical example of how externally generated, meaningless conflicts in the Caucasus have been kept in a frozen state in order to subdue and control the people of Georgia. Here, I must stress that, throughout the centuries, the Abkhaz have played a significant role in creating strong and unified Georgian statehood. History tells us of the sufferings of the Abkhaz population as a result of colonial policies. The atrocities of the nineteenth century serve as proof that the Abkhaz, like the Georgians, have come very close to complete extinction several times. Despite threats and hardships, Georgian and Abkhaz people stood strong and managed to nurture their identity and their traditions through unity and understanding. As a result, Abkhaz and Georgian people have a common cultural and spiritual heritage. Nearly 40 per cent of the families living in pre-conflict Abkhazia, Georgia, were mixed Georgian-Abkhaz families.

The only lesson that we have learned is that war and oppression only breeds a radical and violent impulse to fight back. It only ensures the cycle of revenge and retribution, which condemns everyone to a poverty of expectations and promotes inhumanity and suffering. Georgia has been directly affected by this severe oppression too many times throughout its turbulent history. We have learned that it is only direct, sincere talks among the aggrieved parties, in which we can all express our feelings without rancour, hostility or bitterness, that can lead the opposing parties beyond blame and accusations and towards peaceful coexistence, hope and, finally, prosperity.

I urge the Assembly to help us today to begin erasing the poverty of expectations that has condemned so many for so long, for so little.

**Mr. Mehdiyev** (Azerbaijan): Recently we discussed here the situation in the occupied territories of Azerbaijan (*see A/62/PV.86*). Today we are discussing the situation in Georgia, in particular the situation of internally displaced persons and refugees from Abkhazia. The discussion of two conflicts in the GUAM area in such a short period proves our deep concern and indicates the seriousness of the situation. We have been warning the international community about this situation for the last 15 years. Both cases involve occupied territories, separatism, expulsion of hundreds of thousands of people from their homes, and outside supporters.

All these consequences of the conflicts represent threats to the stability not only of the South Caucasus but of the wider region. The persistence of the

protracted conflicts on the territories of the GUAM States undermines international and regional peace and security and prevents making full use of the potential and ample opportunities. The conflicts have almost the same origin, similarly developed scenarios and dangerous consequences. They all started from the manifestation of aggressive separatism and were aimed from the very beginning at seizing the territories by using force and at a fundamental change of the demographic composition.

We are convinced that the only way to reach a just and comprehensive settlement of the conflicts in the territories of the GUAM States is an approach based on full respect for the letter and spirit of international law. The joint position of the GUAM member States on the settlement of the conflicts is based on respect for the territorial integrity of Azerbaijan, Georgia and Moldova, returning forcibly displaced persons to their lands, restoring the pre-war demographic composition of the conflict-affected territories and providing normal, secure and equal living conditions for all communities of those territories, which will enable the building of an effective democratic system of self-governance within the internationally recognized borders of the GUAM States.

That position represents the only way to achieve the peaceful resolution of the conflicts and has no viable alternatives. To maintain otherwise would be tantamount to accepting the consequences of ethnic cleansing and other serious violations of the rule of law and human rights — or in other words, the prevalence of force over justice. The stalemate in the resolution of those conflicts should be of particular concern not only to the affected countries but also to the international community at large. Therefore we pay the utmost attention to the concerted efforts by the United Nations and fully support the draft resolution submitted by Georgia.

**Mr. Sergeyev** (Ukraine): Today's discussion once again brings the attention of the international community to the problem of protracted conflicts in the territories of Azerbaijan, the Republic of Moldova and Georgia, which are vital matters for our countries — the Members of the United Nations. Those conflicts remain major impediments to the democratic and economic development of those States. It is crucially important that the international community continue to take practical steps to help to settle the protracted conflicts in the GUAM region based on the unconditional recognition of the territorial integrity of those States and the undoubted priorities of adherence to human rights.

Some give us to understand that the recent tensions around Abkhazia are a result of the decision on the case of Kosovo. That is a dangerous insinuation. In finding the way to settle the protracted conflicts, it is very important to know their history and to understand their nature. In our opinion, protracted conflicts in the GUAM area have their common roots in the criminal policy of the totalitarian regime of the former Soviet Union, which tried to sow seeds of enmity and establish an environment of mistrust among nations. It is a pity that those notorious traditions are still alive. In this context, the recent decisions of the Russian Federation to upgrade the status of relations with Abkhazia and South Ossetia are of particular concern. Such steps violate peace and stability in the GUAM region and undermine the peace process of the settlement of the protracted conflicts.

Such circumstances clearly demonstrate an urgent need to change the climate of the peace negotiations process on protracted conflicts generally and on Abkhazia in particular. The member States of GUAM are ready to actively and constructively cooperate with the United Nations, the Organization for Security and Cooperation in Europe and the European Union, as well as with the States-mediators, towards the settlement of those frozen conflicts. They are exporting instability, criminality and insecurity to Europe, as well as hindering further integration of the affected States into the European architecture.

We believe that the international community should call upon the Russian Federation to review its policy in the GUAM area and to build bilateral relations on a basis of the universally recognized norms and principles of international law, including the United Nations Charter, as well as to renew its role as a constructive mediator. In their joint statement of 30 April 2008, the Presidents of Ukraine and Georgia stressed:

> "Ukraine and Georgia reaffirm that the resolution of the Georgia-Abkhaz and Georgia-South Ossetia conflicts is possible exclusively through peaceful means in the framework of the resolutions of the United Nations Security Council, in particular the Security Council

resolution 1808 of 15 April 2008. These resolutions call on the United Nations Member States to respect the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders."

We are confident that the consideration of these problems should be in the scope of the General Assembly and the Security Council. It is significantly important that the international community, in particular the United Nations, continue to take practical steps to settle the protracted conflicts in the territories of Georgia, the Republic of Moldova and Azerbaijan. We call upon the Member States to support the draft resolution submitted by the delegation of Georgia.

**Mr. Liu Zhenmin** (China) (*spoke in Chinese*): China respects the sovereignty and territorial integrity of Georgia and understands Georgia's concern about the status of the internally displaced persons (IDPs) and refugees in Abkhazia. On 15 April 2008 the Security Council adopted resolution 1808 (2008), which explicitly provides for the protection of the rights of the IDPs and refugees in Abkhazia. Therefore we believe all the parties concerned should make efforts to promote a smooth implementation of resolution 1808 (2008) so as to ensure that the rights and interests of those IDPs and refugees are effectively protected. We hope that all the parties concerned will continue to make efforts to improve their mutual confidence and strengthen cooperation with a view to achieving progress on this issue and working together for the maintenance of peace and stability in this region.

Before concluding, the Chinese delegation wishes to thank you, Mr. President, for the condolences and sympathies extended to China on behalf of the General Assembly. The Chinese delegation also wishes to thank the relevant countries and international organizations for their assistance and support to China. At present, the Chinese Government and people are engaged in an all-out effort for relief and rescue. We are confident that with the support of the entire international community we will surely overcome the difficulties caused by this natural disaster.

**The Acting President**: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/62/L.45.

Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

I shall now call on those representatives who wish to explain their votes before the voting.

**Mr. Tashchian** (Armenia): As the members of this forum may recall, Armenia opposed the inclusion of the item entitled "Protracted conflicts in the GUAM area and their implications for international peace, security and development" in the agenda of the General Assembly. On many occasions, we have stated that the rationale behind that agenda item was irrelevant and unacceptable to us. Remaining consistent in our position, we will not support the draft resolution.

At the same time, there are a number of other valid arguments substantiating our position. We believe that refugees and internally displaced persons (IDPs) constitute one of the most tragic outcomes of any ethnic conflict. The existence of refugees and IDPs under any circumstance is associated with pain and suffering, but in the case of the Abkhazian IDPs, we have a particular concern. Tens of thousands of ethnic Armenians used to live in that part of Georgia as an integral part of its multi-ethnic society. As a consequence of the conflict, many of our compatriots, unfortunately, left that region of Georgia.

With regard to the IDPs from Abkhazia, it is important to recall the attempt made in the mid-1990s to return them to the Gali region of Georgia. The realities of that policy fell short of expectations; moreover, they had a number of negative consequences because the return of refugees was undertaken before the core issues of the existing problems were addressed.

The Armenian delegation believes that any conflict should be addressed comprehensively. Single issues, as significant as they may be, should not be taken out of the general context of the conflict. Attempts separately to address the different dimensions of the conflict without resolving the fundamental problems and eliminating their primary causes prove to be counterproductive. Such an approach can even endanger the entire process of conflict resolution.

The Armenian delegation believes that only a comprehensive approach, through peace talks with the involvement of all parties concerned, can bring a just

and lasting solution to the conflict. Thus, the Armenian delegation will vote against the draft resolution before us, since it contradicts our position on conflict resolution.

**Mr. Rogachev** (Russian Federation) (*spoke in Russian*): The delegation of the Russian Federation regrets Georgia's decision to submit for the General Assembly's consideration a draft resolution on the status of internally displaced persons and refugees from Abkhazia, Georgia, although it does not affect Russian-Georgian relations.

While purporting to address a sensitive humanitarian problem, the draft actually serves an entirely different purpose. It adopts a political approach to the Georgian-Abkhaz conflict that the Russian Federation cannot support. The document forces upon us a distorted impression of the Georgian-Abkhaz conflict and is silent on its background. It considers only certain consequences, neglecting the root causes of the situation, which the Permanent Representative of Georgia himself has called a humanitarian catastrophe. Indeed, the United Nations High Commissioner for Refugees has made recommendations to the Government of Georgia that it has not taken up.

It is clear that this initiative has been concocted by the authors to put pressure on the Abkhaz side to resolve political, rather than humanitarian issues. That has indeed been reaffirmed by the statements that we have heard today following the representative of Georgia's introduction of the draft resolution, which referred only to political aspects of the settlement of the conflict in the territory of the former Union of Soviet Socialist Republics, and said virtually nothing about the problems of refugees and internally displaced persons (IDPs).

If adopted, the draft resolution would destabilize the United Nations activities in the Georgian-Abkhaz settlement, including the work of the Security Council and the Group of Friends of the Secretary-General on Georgia. While important, the problem of the return of displaced persons is not the only one in the context of achieving a comprehensive and long-term settlement of the Georgian-Abkhaz conflict.

The draft text introduced by the Georgian side effectively separates the issue of the return of refugees and IDPs from an entire series of tasks towards achieving peace in the region, and thereby severely complicates the search for a solution to the problem. The draft resolution does not take into account the rights and interests of Abkhaz, Ossetian and other refugees and IDPs who were displaced and lost their property during the course of the bloody conflict unleashed by Tbilisi in the early 1990s against those who sought to break from Georgia, Abkhazia and South Ossetia and who, I stress, had a constitutional right to do so. Thus, the adoption of such an essentially selective draft resolution would further exacerbate confrontation in Georgian-Abkhaz relations.

The draft presents the General Assembly with selected provisions from distinct Security Council resolutions, but it contains no provisions from those resolutions that condemn the activities of the Georgian authorities. Against that background, it comes as no surprise that the Georgian delegation held no open consultations on the draft resolution, the final version of which appeared only yesterday, giving delegations and foreign affairs offices in our capitals very little time to analyse it carefully.

The draft starkly contradicts and duplicates the work of the General Assembly, which has already adopted a comprehensive and systematic thematic draft resolution in the Third Committee on assistance to IDPs, reflecting the basic priorities in that area. It is revealing that a similar draft resolution on Abkhazia, submitted by Georgia to the Third Committee in the fall of 2007, was withdrawn because it did not receive support from the majority of United Nations Members.

We are convinced that the draft resolution is counterproductive and will lead not to a solution to the problem of refugees and IDPs, but to increased tensions in the region and the inclusion of yet another politicized and destructive item on the General Assembly's agenda. In that connection, we have no alternative but to request that the draft resolution be put to the vote and to vote against it. We call on all States interested in a just settlement of the Georgian-Abkhaz conflict and in the non-politicization of the activities of the General Assembly also to vote against the draft.

**The Acting President**: We have heard the last speaker in explanation of vote before the vote. The Assembly will now take a decision on draft resolution A/62/L.45, entitled "Status of internally displaced persons and refugees from Abkhazia, Georgia". A recorded vote has been requested.

*A recorded vote was taken.*

*In favour*:

Albania, Azerbaijan, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Sweden, Ukraine, United States of America.

*Against*:

Armenia, Belarus, Democratic People's Republic of Korea, India, Iran (Islamic Republic of), Myanmar, Russian Federation, Serbia, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of).

*Abstaining*:

Algeria, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Qatar, Republic of Korea, San Marino, Saudi Arabia, Senegal, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Swaziland, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Viet Nam, Yemen, Zambia.

*Draft resolution A/62/L.45 was adopted by 14 votes to 11, with 105 abstentions* (resolution 62/249).

[Subsequently, the delegation of Brazil advised the Secretariat that it had intended to abstain.]

**The Acting President**: Before giving the floor to speakers in explanation of vote following the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

**Mr. Matussek** (Germany): Germany fully and wholeheartedly supports the need for a swift return of all internally displaced persons (IDPs) and refugees to their homes and properties in Abkhazia, Georgia. Germany, as the coordinator of the Group of Friends of the Secretary-General on Georgia, has co-sponsored all the relevant resolutions of the Security Council, which have made clear and urgent reference to the deplorable situation of the IDPs and refugees in Georgia. However, Germany abstained in the voting today, as the resolution singles out the issue of internally displaced persons and refugees. In our opinion, it does not sufficiently reflect the many other important aspects of the conflict, which remain of serious concern for both sides and which must also be addressed in order to achieve a comprehensive and peaceful settlement.

Also in its capacity as coordinator of the Group of Friends, Germany will pursue its efforts to resolve the conflict on the basis of the territorial integrity and sovereignty of Georgia, taking into consideration the positions and views of all parties to the conflict. Steps towards the ultimate objective of a peaceful resolution of this conflict will have to be based on dialogue, mutual trust and agreement between Tbilisi and Sukumi.

Germany reiterates its firm commitment to actively participate in and promote the Georgian/Abkhaz peace process. We share with Georgia the goal of the swift return of IDPs and refugees in dignity and safety.

**Mr. Mantovani** (Italy): Recalling the declarations of 18 April and 2 May 2008 by the presidency of the European Union on behalf of its member countries, Italy reiterates its firm commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, as most recently affirmed in Security Council resolution 1808 (2008), of 15 April.

Italy is concerned about recent developments in the Georgian areas of conflict. We call on all parties involved to refrain from any actions that might lead to escalation in the region and urge them to engage instead in a constructive dialogue conducive to a peaceful settlement of the Abkhaz conflict. Italy therefore continues to support the efforts of the United

Nations, as well as those of the European Union's Special Representative and the Commission of the European Union, to implement a package of confidence-building measures in support of conflict resolution in Abkhazia, Georgia.

On the status of internally displaced persons and refugees from Abkhazia, Georgia, Italy welcomes the adoption of resolution 1808 (2008) and strongly supports the specific provisions related to this matter. However, Italy abstained in the voting on the resolution on the status of internally displaced persons (IDPs) and refugees from Abkhazia, Georgia, because the subject matter is under consideration by the Security Council. The Council takes up the problem on a regular basis in the context of a specific resolution. We also believe that the General Assembly should continue to deal with such issues in the comprehensive framework of the resolution on the protection of, and assistance to, IDPs.

**Mr. İlkin** (Turkey): I am taking the floor to briefly explain our position with regard to the conflict in Abkhazia, Georgia.

First of all, I would like to reiterate our firm commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders. I also wish to reaffirm our support for international efforts aimed at a peaceful settlement of the Abkhaz conflict, in particular those of the United Nations and the Special Representative in Georgia, with the assistance of the Group of Friends of the Secretary-General.

Having said that, we remain seriously concerned about the recent series of events, which have raised tensions between the two sides to the conflict, as well as between Georgia and the Russian Federation. We call on all sides to refrain from any steps that could further aggravate the situation. Likewise, we strongly appeal to them to take swift action to rebuild confidence and resume dialogue with a view to finding a peaceful settlement of the conflict.

For our part, we will continue to support any package of confidence-building measures in support of resolving the conflict. Indeed, as a close neighbour of Georgia, with whom we enjoy excellent bilateral relations, my country stands ready to contribute to the peaceful resolution of this long-standing conflict. We believe that steps in that direction will also enhance the stability and prosperity of the Caucasus region as a whole.

**Mr. Chatel** (France) (*spoke in French*): I would first like to recall the commitment of France to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders.

France firmly supports the right of all refugees and internally displaced persons (IDPs) to return to Abkhazia. We also reaffirm the fact that their right to their property is not at all affected by their absence.

I would like to recall the provisions of resolution 62/153, adopted by the General Assembly on 18 December 2007, concerning protection of and assistance to internally displaced persons. France is committed to the implementation of the General Assembly's recommendations concerning that crucial matter, which brings into play human rights and has a very important humanitarian dimension.

I would also like to recall that the Security Council is seized of the question of the return of refugees and internally displaced persons from Abkhazia, Georgia. Council resolution 1808 (2008), unanimously adopted on 15 April, calls upon the parties to fulfil, within a reliable time frame, the conditions necessary for the safe, dignified and swift return of refugees and internally displaced persons. By adopting that resolution, the Security Council wanted to indicate its wish for the parties to immediately begin to mitigate the suffering of refugees and internally displaced persons.

France believes that the commitment of the parties to work together urgently on the fundamental matter of refugees and internally displaced persons in Abkhazia will contribute to establishing a climate of confidence, which is necessary for the peaceful settlement that we call for. We want that strong request from the Security Council to be heard and implemented as soon as possible and want the Council to remain seized of this matter.

France abstained from voting on the draft resolution submitted by Georgia on the status of internally displaced persons and refugees from Abkhazia because we do not believe that that initiative would help to achieve the objectives that I have just stated. However, I would like once again to reiterate France's strong commitment to those objectives.

**Ms. Pierce** (United Kingdom): Allow me to begin by echoing your condolences, Mr. President, to the peoples of China and of Burma/Myanmar with regard to the sad events that have occurred in those countries.

The United Kingdom abstained today on this resolution, in line with our long-standing position. We recall the annual General Assembly resolution on internally displaced persons (IDPs) and refugees, which reaffirms the right of return of IDPs and their property rights.

We take very seriously the plight of refugees and IDPs in Georgia. We worked hard to reflect the importance of the return of refugees and IDPs in Security Council resolution 1808 (2008), which was adopted unanimously by the Council on 15 April. Creating the circumstances for the safe and dignified return of refugees and IDPs to their homes in Georgia is, as a number of speakers have said today, a fundamental component of the peace process, and, along with security guarantees, of an agreement on the political status of the Abkhazia region of Georgia.

The United Kingdom reiterates its strong political support for Georgia's sovereignty and territorial integrity. We are committed to supporting Georgia in its search for a peaceful solution to this long-running conflict. We welcome Georgia's restraint in the face of recent tensions and the readiness of President Saakashvili to make new and constructive proposals to the Abkhaz side. A solution to the conflict can be reached only through dialogue. We hope that those proposals will become the foundation for a new dialogue between the sides.

Finally, the United Kingdom remains committed, as a member of the Group of Friends of the Secretary-General, to supporting that dialogue and to promoting the building of confidence between the two sides.

**Mr. Ashiki** (Japan): Japan abstained in the voting on this resolution in the light of the various possible implications of adopting it under this particular agenda item.

With regard to the Georgian-Abkhaz conflict, Japan has steadfastly supported the principle of the territorial integrity of Georgia within its borders and the peaceful resolution of the conflict. Japan also supports the ongoing efforts of the Group of Friends of the Secretary-General.

Japan is strongly interested, in general, in issues related to internally displaced persons (IDPs) and is concerned about the plight of the refugees and IDPs in that conflict and the hardships they face.

**Mr. Soler Torrijos** (Panama) (*spoke in Spanish*): Panama decided to abstain from voting on this resolution and believes that it is appropriate to offer an explanation of vote.

Panama is a party to all conventions on the protection of human rights and reaffirms its support of the general principles on the protection of the human rights of refugees and internally displaced persons, and their right to return to their places of origin. We reaffirm the need to put those principles into practice in Abkhazia, Georgia. However, we are concerned that this resolution favours one of the parties to the conflict and, rather than contributing a solution, could in fact aggravate tensions in the region.

Furthermore, we recall that Article 12 of the Charter of the United Nations stipulates that while the Security Council is considering a dispute or situation, the General Assembly shall not make any recommendation on it unless the Security Council so requests. The situation in question is still being addressed in the Council. The practice of the Assembly has, in recent times, allowed for a very flexible interpretation of Article 12. However, due to the gravity and instability of the security situation in Abkhazia, it would be appropriate for us to respect both the letter and the spirit of that provision.

**Mr. Pham Hai Anh** (Viet Nam): Viet Nam supports efforts by the parties concerned to settle their dispute by peaceful means through existing mechanisms, with a view to achieving a comprehensive, lasting and reasonable solution to the question of Abkhazia, thus contributing to peace and stability in the region. In that spirit, Viet Nam calls upon the parties concerned to exercise self-restraint, refraining from steps that could increase tension The resolution just adopted contains elements that could potentially affect the process of negotiations among the parties concerned. For those reasons, Viet Nam abstained in the vote on this resolution.

**The Acting President**: We have heard the last speaker in explanation of vote. The General Assembly has thus concluded this stage of its consideration of agenda item 16.

*The meeting rose at 11.20 a.m.*

United Nations A/62/PV.98

General Assembly
Sixty-second session

Official Records

98th plenary meeting
Wednesday, 21 May 2008, 10 a.m.
New York

*President*: Mr. Kerim ..... (The former Yugoslav Republic of Macedonia)

*The meeting was called to order at 10.30 a.m.*

**Agenda item 132 (*continued*)**

**Scale of assessments for the apportionment of the expenses of the United Nations (A/62/657/Add.8)**

**The President**: I would like to invite the attention of the General Assembly to document A/62/657/Add.8, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communications contained in documents A/62/657 and Add.1 to Add.7, Cape Verde has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of that information?

*It was so decided.*

**Agenda item 113 (*continued*)**

**Elections to fill vacancies in subsidiary organs and other elections**

**(d) Election of fifteen members of the Human Rights Council**

**The President**: Members will recall that, at the 80th plenary meeting of its sixtieth session, the General Assembly, under the terms of reference outlined in resolution 60/251 of 15 March 2006, elected 47 members of the Human Rights Council.

At the same meeting, in accordance with paragraph 14 of resolution 60/251 and by a drawing of lots, 15 Member States from among the 47 were chosen for a two-year term of office ending on 18 June 2008.

Furthermore, in accordance with a decision also adopted by the General Assembly at the same meeting, pertaining to the staggering of terms of membership, the 15 seats with a two-year term of office were distributed among the regional groups as follows: four seats for the Group of African States; four seats for the Group of Asian States; two seats for the Group of Eastern European States; three seats for the Group of Latin American and Caribbean States; and two seats for the Group of Western European and other States.

The 15 Member States whose term will expire on 18 June 2008 are as follows: Brazil, France, Gabon, Ghana, Guatemala, Japan, Mali, Pakistan, Peru, the Republic of Korea, Romania, Sri Lanka, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Zambia. Those Member States are eligible for immediate re-election.

The General Assembly will now proceed to the election of the 15 members of the Human Rights Council.

In accordance with resolution 60/251, membership in the Council shall be open to all States Members of the United Nations and the members of the Council shall serve for a period of three years and shall not be eligible for immediate re-election after two consecutive terms. The members of the Council shall be elected directly and individually, by secret ballot, by the majority of the members of the General Assembly. Accordingly, for the present election, 97 votes

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constitute a majority in the General Assembly, which has a membership of 192 Member States.

The election will be held in accordance with the relevant rules of procedure of the General Assembly on elections. For this election, rules 92 and 94 of the rules of procedure of the General Assembly shall be applied.

Consistent with the practice of the General Assembly, if more than the required number of Member States has obtained the votes of the majority of the members of the Assembly on the same ballot, those Member States which have obtained the largest number of votes above the required majority will be considered as elected, up to the number of seats to be filled. Also, consistent with past practice, in the case of a tie vote for a remaining seat, there will be a special restricted ballot limited to those candidates that have obtained an equal number of votes.

May I take it that the General Assembly agrees to those procedures?

*It was so decided.*

**The President**: Accordingly, the election shall be held by secret ballot and there shall be no nominations.

Again, I should like to repeat that the 15 vacant seats are to be filled from among the regional groups as follows: four seats from among the Group of African States; four seats from among the Group of Asian States; two seats from among the Group of Eastern European States; three seats from among the Group of Latin American and Caribbean States; and two seats from among the Group of Western European and other States. The ballot papers reflect that pattern.

As was stated in resolution 60/251, when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.

Before we begin the voting process, I should like to remind members that, pursuant to rule 88 of the rules of procedure of the General Assembly, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting.

We shall now begin the voting process.

Ballot papers marked "A", "B", "C", "D" and "E" will now be distributed. Ballot A for the African States Group has four blank lines for the four seats. Ballot B for the Asian States Group also has four blank lines for the four seats. Ballot C for the Eastern European States Group has two blank lines for the two seats. Ballot D for the Latin American and Caribbean States Group has three blank lines for the three seats. Ballot E for the Western European and other States Group has two blank lines for the two seats.

I request representatives to use only those ballot papers and to write on them the names of the States for which they wish to vote. A ballot paper containing more names from the relevant region than the number of seats assigned to it will be declared invalid. A ballot will also be declared invalid if all the names of the Member States on that ballot do not belong to the relevant region. If a ballot paper of a region contains some of the names of the Member States that do not belong to that region, the ballot remains valid but the names of Member States that do not belong to that region will not be counted at all.

*At the invitation of the President, Ms. Bardijn (Belgium), Mrs. Ruffer Lustigová (Czech Republic), Mrs. Orina (Kenya), Mr. Azeez (Maldives), Ms. Sánchez Salazar (Mexico), Mr. Adamou (Niger), Mr. Obando (Peru) and Ms. Dinç (Turkey) acted as tellers.*

*A vote was taken by secret ballot.*

*The meeting was suspended at 10.45 a.m. and resumed at 12.20 p.m.*

**The President**: The result of the voting is as follows:

| | |
|---|---|
| *Group A – African States* | |
| Number of ballot papers: | 192 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 192 |
| Abstentions: | 1 |
| Number of members voting: | 191 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| Zambia | 182 |
| Ghana | 181 |
| Burkina Faso | 180 |
| Gabon | 178 |
| Kenya | 2 |
| Mali | 2 |
| Gambia | 1 |
| Benin | 1 |

*Group B – Asian States*

| | |
|---|---|
| Number of ballot papers: | 192 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 192 |
| Abstentions: | 0 |
| Number of members voting: | 192 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| Japan | 155 |
| Bahrain | 142 |
| Republic of Korea | 139 |
| Pakistan | 114 |
| Sri Lanka | 101 |
| Timor-Leste | 92 |

*Group C – Eastern European States*

| | |
|---|---|
| Number of ballot papers: | 192 |
| Number of invalid ballots: | 2 |
| Number of valid ballots: | 190 |
| Abstentions: | 3 |
| Number of members voting: | 187 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| Slovakia | 135 |
| Ukraine | 125 |
| Serbia | 93 |
| Czech Republic | 9 |

*Group D – Latin American and Caribbean States*

| | |
|---|---|
| Number of ballot papers: | 192 |
| Number of invalid ballots: | 0 |
| Number of valid ballots: | 192 |
| Abstentions: | 5 |
| Number of members voting: | 187 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| Chile | 176 |
| Brazil | 175 |
| Argentina | 172 |
| Venezuela | 3 |
| Ecuador | 1 |

*Group E – Western European and other States*

| | |
|---|---|
| Number of ballot papers: | 192 |
| Number of invalid ballots: | 2 |
| Number of valid ballots: | 190 |
| Abstentions: | 10 |
| Number of members voting: | 182 |
| Required absolute majority: | 97 |
| Number of votes obtained: | |
| France | 123 |
| United Kingdom | 120 |
| Spain | 119 |

[Subsequently, Member States were informed by letter of the President of the General Assembly dated 22 May 2008 that the results of the election contain two recording errors by the Secretariat. For Group E — Western European and other States — the registration for abstentions should have been 1 instead of 10, and the number of members voting should have been 189 (192 ballots minus 2 invalid ballots, minus 1 abstention) instead of 182. Notwithstanding the two errors, the actual counting by teller of the votes for each of the three candidates was based on 189 valid ballots of members who voted and the result of the votes for each of the three candidates remains unchanged, after having been tallied twice and verified by the tellers.]

**The President**: Having obtained the votes of the required majority and the largest number of votes of the members of the General Assembly, the following States are elected members of the Human Rights Council for a three-year term of office beginning on 19 June 2008: Argentina, Bahrain, Brazil, Burkina Faso, Chile, France, Gabon, Ghana, Japan, Pakistan, the Republic of Korea, Slovakia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Zambia.

I congratulate those States that have been elected members of the Human Rights Council, and I thank the tellers for their assistance in this election.

This concludes our consideration of sub-item (d) of agenda item 113.

*The meeting rose at 12.30 p.m.*